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A N  
A B S T R A C T  
O F A L L T H E  
S T A T U T E S

Made Concerning

10

A l i e n s T r a d i n g  
I N  
E N G L A N D

From the first year of K. *Henry* the VII.

A L S O,

O f a l l t h e L A W s m a d e f o r S e c u r i n g  
o u r P l a n t a t i o n T r a d e t o o u r S e l v e s,

W i t h O b s e r v a t i o n s t h e r e o n , p r o v i n g t h a t t h e  
*Jews* (in their practical way of Trade at this time)  
B r e a k t h e m a l l , t o t h e g r e a t D a m a g e o f t h e K i n g i n  
H i s C u s t o m s , t h e M e r c h a n t s i n t h e i r T r a d e , t h e  
w h o l e K i n g d o m , a n d H i s M a j e s t i e s P l a n t a t i o n s i n  
*America* i n t h e i r S T A P L E.

T o g e t h e r w i t h t h e H a r d s h i p s a n d D i f f i c u l t i e s t h e A u -  
t h o r h a t h a l r e a d y m e t w i t h , i n h i s E n d e a v o u r i n g t o f i n d o u t  
a n d D e t e c t t h e W a y s a n d M e t h o d s t h e y t a k e t o E f f e c t i t .

*By Samuel Hayne, sometime Ryding-Surveyor for His Majesties  
Customs, and Surveyor for the Act of Navigation in the Coun-  
ties of Devon and Cornwal.*

P r i n t e d b y N . T . f o r t h e A u t h o r , a n d a r e t o b e S o l d b y *Walter  
Davis* i n A m e n - C o r n e r , 1685.

# AN ABSTRACT OF THE STATUTES

Made Concerning

## Alien Trade IN ENGLAND

From the fifth year of King the VII

A.D. 1550.

Of all the Laws made for securing  
our Plantation Trade to our selves.

With Objections thereon, proving that the  
Law (in their practical view of Trade as existing)  
harmeth them, to the great Damage of the King in  
His Revenue, the Merchant in his Trade, the  
whole Kingdom, and the Nations Plantations in  
foreign Parts. STAMPT.

To be sold with the Handbills and Diffinitions the Au-  
thor hath newly set forth, to his behooving to find out  
and to set the Ways and Means whereby the same may  
be better understood, and to be sold by W. B. at the  
Sign of the Crown, in the Strand, near the Church of St. Dunstons.

Printed by M. T. for the Author, and are to be sold by W. B.  
in the Strand, near the Church of St. Dunstons.

TO THE  
K I N G ' S  
M O S T  
Sacred Majesty.

Dread Sovereign,

**T**He following Sheets were written before the Death of Your Majesties Royal Brother King Charles the Second, (of ever Blessed Memory) And I had a design then, to shew to His Majesty, that several Jews to whom His Majesty had been Graciously pleased to Grant Letters Patents of Denization, with a Clause inserted, That they should pay no more Custom than English, (non obstante the Statutes,) Had Owned and Colour'd the Goods of other Jews that had not such a Clause in their Patents, and of some Jews who had no Patents at all; By means whereof their own Patents were at His Majesties Pleasure.

But while I was preparing Arguments and Proofs thereof, it pleas'd God to put a period to His Majesties days, and the Act of Tonnage and Poundage, with the Articles annexed, which Granted the Alien or Petty Custom to His Majesty, received also there by its determination.

A few days after, Your most Excellent Majesty sending forth Your Royal Proclamation for the continuation of the Receipt  
of

## The Epistle Dedicatory.

*of Your Majesties Customs, and declaring Your speedy calling of a Parliament; I forbore the exposing my Sentiments to publick view, till God should permit Your Majesties meeting with them.*

*And now, that being most Happily Accomplished, and the Act of Tonnage and Poundage, with the Articles annexed, being past, for and during Your Majesties Life; I humbly presume to aver, that the aforesaid Clause inserted in those Jews Patents, had an end with the said late King, and that the present Act Grants to Your Majesty the Alien or Petty Customs in as full manner, as if that Clause had never been Inserted.*

*I therefore humbly beg Your Majesty to direct, that all Jews, from the 6th. day of February last, do pay the Alien Duty, as by Law they ought to do; which will not only be many Thousands per Annum advance to Your Majesty in Your Customs, but also be extream grateful to all Your Majesties fair dealing English Merchants.*

*Nor can I forbear to assert, that the greater any persons Possessions are in England, the more is their loss by the Illegal Trading of the Jews in Your Majesties Plantations in America: For the larger their Lands are, the more is their Growth and Product, and the Advantageous Vendition thereof, depends much on the Consumption the Plantations make of them. Whereas the Jews here, together with other Jews their Co-partners living in Holland, making their Outward Cargoes at Holland, thereby lessen the Consumption of the English Growth and Manufacture, which not only Affects Your Majesty, but also all Your Subjects of what degree or quality soever in the whole Nation.*

*My Endeavours (however) have not been for a total Extirpation of the Jews, or their Trade here, (as some have aimed) but only to oblige them to pay Your Majesties Customs, and act according to Law, that thereby the English Merchants might be Enabled to Sell as Cheap as themselves.*

*Which*



## The Epistle Dedicatory.

*Which design only being (as the Jews conceived) of Grand Disadvantage to them, they consulted (as I have reason to believe) their firm Friends at Custom-house, how to deal with me; and from thence proceeded the Offers of large Bribes to me, on one hand; which being rejected, a Torrent of Threats followed on the other, viz. Perpetual Imprisonment, Rotting and Dying there; and (which they thought most prevalent) Starving to Death: They not knowing (it seems) that my most Noble Friend, the Honourable Collonel Strangways loved me too well to suffer that, to whom only, on all emergent Occasions, I wrote for Supply, and never failed of speedy and suitable Returns.*

*As soon as Your Majesty shall be pleased to demand Alien Duty from those Jews having Patents with the aforesaid Clause, Your Majesty will find that they will fall in with some of Your Majesties Subjects in London, as well as in the Out-Ports, to cover their Trade: I cannot so much blame the Jews as the English in this matter; For to one, 'tis Natural, to the other Un-natural and a great Shame and Reproach to the Nation: Also I am certain their Old Friends at Custom-house, dare not leave them, though (considering Your Majesties Pay, together with the Oaths and Sacraments they take the more firmly to tie them to their Duty) in them it be Diabolical; some whereof I have been forced for Truths-sake to Name; And if it displeases any one of them, I beg a fair Hearing; whereon I am sure to let them know I have not been yet as Satyrical as I might, or as their base Actions deserve.*

*The grand thing then for the future will be, how to distinguish Jews Goods from English, and Settle it so, that no further Cheats be put on Your Majesty in Your Customes, Your Subjects in their Staple, and the Merchants in their Trade.*

*'Tis much easier to prevent future Frauds, than discover past: However, I still affirm, that I can make good my Proposals-Fol. 29. (including London too, by the way of future*  
pre-

## The Epistle Dedicatory.

prevention.) And besides that, make it appear that of late years the wholesome Acts of Navigation, Frauds, &c. Are like a Nose of Wax turned at the Pleasure of some now at Helm, who pretend a small Duty taken contrary to Law, is more grateful to Your Majesty, than the due Execution of those Beneficial Statutes.

My Sufferings both in Body and Purse have been solely for my Zeal in the Service of my King and Country; and no opportunity (in my thoughts) did ever happen, since it began, till now, to express the Truth of it so, that it might with Power repel the fury of my Enemies. But now, (that God having seated Your Majesty on the Throne of Your Ancestors that the Laws recover Life, that all my Actions have been Legal, that I have not made one false step in my Duty; and that the Substance of this Discourse hath relation to the benefit of Your Majesty and the whole Nation.) I have great hopes of Your Majesties Favour and Pardon for my Boldness in making this publick Address; and that Your Majesty will believe, I will never Swerve from my constant practice of Loyalty to the Crown, and Obedience to the Establish'd Laws both in Church and State, whatever my future Condition may happen to be. For I am

Sacred SIR,

Your Majesties

Fleet London

May 29th.

1685.

Most Loyal,

Most Faithful

and Undaunted

(though Oppressed)

Subject

SAMUEL HAYNE.

CONCERNING  
Aliens Trading  
IN  
ENGLAND.

**A**lmost as soon as *Trade* it self began to Flourish in this Kingdom, *Aliens* endeavour'd to be Sharers in it; And because they might have the same Freedom therein that *Englis-men* had, they (by some good Interest or other,) got Patents of *Denization*, and by that means paid no greater or higher Customs than the *Englisb* Merchants: But they (it seems) being formerly in Co-partnership with other *Aliens*, (who still remained so,) could not be contented with the Benefits they had procured for themselves, but Clandestinely covered the Stocks and Adventures of the others. The Perniciousness whereof appearing, it was thought fit to put a thorow stop to such Proceedings. And at a Parliament held in the first year of King *Henry* the Seventh it was thus Enacted, viz. Where in time past divers Grants have been made by King *Edward*, a Hen. 7. cap. 7. as well by his Letters Patents, as by Acts of Parliament, to divers Merchants Strangers born out of this Realm, to be Denizens; whereby they have, and enjoy such Freedoms and Liberties as do Denizens born within this Realm, as well in abatement of their Customs, which they should bear if they were no Denizens, as in Buying and Selling of their Merchandize; to their great Avail and Increase, and oft-times suffer other Strangers not Denizens, disadvantagefully

B

## Concerning Aliens

reithfully to ship and carry great and notable substance of Merchandize in their Names, by the which the said Goods be free of Custom, in like wise as they were Goods of a Denizen, where of Right they ought to pay Custom as the Goods of Strangers, by which they be greatly advanced in Riches and Honour: And after they be so Enriched, for the most part they convey themselves with their said Goods into their own Countries, wherein they be naturally born, to the great Impoverishing this Realm, and to the great Hurt and Defraud of the Kings Highness in payment of his Customs: Wherefore, it is Enacted, Established and Ordained, by the Advice of the Lords Spiritual and Temporal, and Commons in the said Parliament Assembled, and by Authority of the same, That any person made or hereafter to be made Denizen, shall pay for his Merchandize like Custom and Subsidy as he ought or should pay as before that he was made Denizen, any Letters Patents, or other Ordinances by Parliament, or otherwise contrary to this made notwithstanding.

However, the shifting Humours of those Times (corresponding much with our present Age,) found out another way to Defraud the King of his Due, and his Loyal Subjects of their Trade: For finding the aforesaid Act, exactly put in Execution; The Aliens then, by Rewards, &c. Procured English-men to enter their Goods in English Names, which Un-natural practice was also soon found out; and to prevent any further Progress therein, it was Enacted the third year of the aforesaid King Henry the Seventh:

3 Hen. 7. That no manner of Merchant, Denizen, or Stranger do take upon him to Enter, or cause to be Entred, in the Books of any Customer in any Port within this Realm, any manner of Merchandizes coming into the said Realm, or going out of the same, in any other Merchants Name, saving only the Names of the true Merchant owner of the same, upon pain of Forfeiture of all such Goods and Merchandizes so Entred: And every of the said Merchants which shall so take upon him to cause such untrue Entry to be made, to have Imprisonment, and make Fine therefore at the Kings pleasure.

So that by this Act that shift also was cut off; and 'tis reasonable to believe, that due Process was made against all English-men who became

became in any manner Transgressors thereof; for that the *Aliens* did not thenceforth seek farther Protection from them, but returned to their Old Co-partners that were made *Denizens*; with whom they drove so vast a Trade, that it became obvious to all the *English Merchants*: And in regard the Statute of the First of King *Henry* the Seventh was by that time grown somewhat old, another was made to the same purpose in the Eleventh year of the said King *Henry* the Seventh, in these words, *Where the King our*

*Soveraign Lord is greatly Deceived in his Customs and Subsidies by Merchants and Strangers, such as the King our Soveraign Lord hath Granted by his Letters Patents to be Denizens, and to pay no other Custom or Subsidies for their Merchandize Inward or Outward, but as a Denizen; under colour wherof they Custom not only their own Merchandizes under the form aforesaid; but also they colourably enter into the Customers Books the Merchandizes of other Strangers, calling and saying the said Goods of other Merchants to be the Goods of them so made Denizens, to the great Loss and Detraude of the King our Soveraign Lord: Wherefore he it Enacted by the King our Soveraign Lord, the Lords Spiritual and Temporal, and the Commons in this present Parliament Assembled, and by Authority of the same, that all Merchant Strangers, and others that be made Denizens by the Kings Letters Patents, or otherwise, pay from henceforth such Customs and Subsidies for their Goods and Merchandizes Inward and Outward, as they should have paid, if such Letters and Patents had never to them been made.*

11 Hen. 7. 14.

Thus you see what great care was taken for the Advance of Trade in the days of that Good King; And if you look into the *Chronicles* of his Time, you will find what vast Treasure he left behind him; and no doubt but that a great part thereof arose from the greatness of the Subjects Trade, and the due payment of His Majesties *Customs and Subsidies*.

And though almost the whole Reign of King *Henry* the Eighth was accompanied with wars and Disturbances, either with the *French, Scots, or the Pope*; yet was not the Consideration of Trade laid aside; for in the twenty second year of his Reign, the foregoing Acts of

22 Hen. 8. cap. 3.

the First and Eleventh years of King *Henry* the Seventh were in Parliament Confirmed, and all *Subsidies, Customs, Tolls, Duties*, and other Sums of Money were continued on the said *Aliens* made *Denizens*, as they should or ought to have paid before they were *Denizens*; any Grant or Grants to them made, or hereafter to be made, or any Act or Acts, Statute or Ordinance, to the contrary made or had notwithstanding.

In the Reign of King *Edward* the Sixth. The  
 2 and 3 Ed. 6, cap. 22. **Penalty of Customing other mens Goods,**  
 whereby the King looeth his Outp, is the  
 Forfeiture of all the Goods and Chattels, and  
 personalls for ever: The Informer half; to be Prosecuted  
 within three Years, else void.

Queen *Mary* was so entangled in Religious Matters, that the Parliaments in her dayes seem'd to wave all other concerns; and it was but very short also, which perhaps might be the Reasons we hear so little of *Trade* therein.

But no sooner came that Mirrour of her Sex Queen *Elizabeth* to the Crown, but a review was made; and in the very first year of her Reign it was Enacted, That from and after the first

1 Eliz. cap. 11. day of September, no person *Denizen*, no  
 Stranger do take upon him to Enter, or do,  
 or cause to be Entred into the Books  
 of any Customer, or any other Officer or Officers of any  
 Port or Haven within this Realm, or his, or their De-  
 puty or Deputies, Servant or Servants, any manner of  
 Goods, Wares or Merchandize whatsoever, coming or brought  
 into your Highness's Realm, from any the parts beyond the  
 Sea; or from the Realm of Scotland, or going to be Tran-  
 sported out of the same your Highnesses Realm into any the  
 Parts beyond the Seas, or into the Realm of Scotland; in  
 the Name or Names of any Person or Persons, than the  
 very Owner or Owners of the same Goods, Wares or Mer-  
 chandizes, being not sold, Bargained or Contracted for, to  
 or with any Person or Persons, before such Entry, or before  
 the Arrival of such Goods, Wares or Merchandizes in the parts  
 beyond the Sea, upon pain of Forfeiture of the value of  
 the Goods so Entred.

So that by this Act, neither *Alien* or *Denizen* is permitted to Enter  
 any other mans Goods in his own Name; which Statute without  
 doubts



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doubt was effectually put in Execution: For that in all her Reign, as well as King *James* and King *Charles* the first, no farther Provision is made against them, or Rehearsal made of any of the foregoing Statutes.

The Un-natural Wars coming on, gave liberty to every man to Act his pleasure in Trade, as well as in Religion; But no sooner was the Grand Filor of the universe pleas'd to bring our most Gracious King that now is, to His own Kingdoms again, but that he steers the wholesom course of his Ancestors, and in the very first year of his Reign, the twelfth Article annexed to the *Book of Rates* speaks thus, *The Merchants Strangers, who according to the Rates and Values in this Book contain'd, do pay double Subsidy for Lead, Tinn, Woolen-cloaths; shall also pay double Custom for Native Manufacturs of Wool: And the said Strangers are to pay for all other Goods, as well Inwards as Outwards, Rated to pay the Subsidy of Poundage, three pence in the Pound, or any other Duty payable by Charta Mercatoria, besides the Subsidy.*

12. Article Book of Rates.

None of these Acts have in general been Repealed, but by an Act of Parliament in the twenty fifth year of His Majesties Reign all *Alien Duties* upon Commodities of the Growth, Product and Manufacture of this Nation (except *Coals*) is taken off, and the *Alien* pays no more then *English*; But the *Alien Duty* is continued on all *Foreign Commodities*.

25 Car. 2.

Hitherto we have treated of the Antient and Modern Statutes which have relation to Trade in general, and by all of them it appears that from time to time, *Aliens* have been obliged to pay an higher Duty than an *English-man*; And there is good reason for it, for otherwise the Ballance of Trade and Commerce could never be held upright: We *English-men* pay more Duties in *Foreign Parts* to any Prince or State, than their own Subjects do; And if they were not obliged to the same here, they might Under-sell us, and yet be Gainers; And what would become of our Trade if this were admitted. And these Acts seem to say, That the *Alien* made Denizen here, continued his Co-partnership with his former Partner who was a Denizen in some Foreign part, and one owning the Goods here, and the other there, past as free Denizens on both sides; by which means they could Under-

sell



sell either English or Alien, who are necessitated to pay Alien  
 Duty either here or there. Besides, that 'tis very much to be  
 feared, that many an English Merchant wilfully covers the Goods of  
 Aliens in his own Name: Also that the Jews who have Patents of  
 Denization, with a Clause inserted, That they shall pay no more  
 Custom than the English do, *non obstante*, all the Precedent and  
 subsequent Acts of Parliament recited in this Treatise, do make use  
 of them in Covering, Entering and Owning other Jews Goods which  
 have no such Patents, or any Patents at all, (for though many of  
 the Jews have Patents of Denization, yet few of them could pre-  
 vail to have that Clause inserted,) and I am told that none for the  
 future must ever expect the like Favour again, our most Gracious  
 King having declared, *He will Govern by Law*: And how some of  
 them have abused His Majesties great Favour to them, will appear  
 by the Encroachments they make on our *Plantation Trade in Ame-  
 rica*: A brief account whereof follows.

Before I come to declare matter of Fact, I think it proper to re-  
 cite as much of the several Acts of Parliament made to secure our  
*Plantation Trade* as may be necessary for Information of the Readers,  
 (some whereof perhaps seldom have the conveniency of looking in-  
 to a Statute Book) and will begin with the Act of *Navigation* made  
 in the twelfth year of the King, *viz.* For the Increase of Ship-

12 Car. 2.

ping, and Encouragement of the Navigation  
 of this Realm, wherein (under the good  
 Providence of God,) the Wealth, Safety  
 and Strength of this Kingdom is so much concerned: Be  
 it Enacted by the Kings most Excellent Majesty, and by  
 the Lords and Commons in this present Parliament As-  
 sembled, and by the Authority thereof: That from and  
 after the first day of December 1660. and from thenceforth no  
 Goods or Commodities whatsoever shall be Imported in-  
 to, or Exported out of any Lands, Islands, Plantations or Terri-  
 tories to His Majesty belonging, or in his Possession, or  
 which may hereafter belong unto, or be in the Possession, of  
 His Majesty, His Heirs and Successors in Asia, Africa or Ame-  
 rica, in any other Ship or Ships, Vessel or Vessels what-  
 soever, but in such Ships or Vessels as do truly and with-  
 out fraud belong only to the People of England, or Ireland,  
 Dominion of Wales, or Town of Berwick upon Tweed, or are  
 of

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of the Buile of, or belonging to any the said Lands, Islands, Plantations or Territories as the Proprietors, and right Owners thereof; and whereof the Master and three fourths of the Mariners at least are English, under the Penalty of the Forfeiture and Loss of all the Goods, &c.

And a little after in the said Act, Be it Enacted that no Alien, or person not born within the Allegiance of our Sovereign Lord the King, His Heirs or Successors, or Naturalized, or made a free Denizen, shall from and after the first day of February, which shall be in the year of our Lord 1661. Exercise the Trade or Occupation of a Merchant or Factor in any the said places; upon pain of the Forfeiture and Loss of all his Goods and Chattels, or which are in his possession. But that multitudes of Jews do live as Factors and Merchants at this day in His Majesties Plantations contrary to this, as all Traders thither know. And further it is said, No Goods to be brought from the Plantations but in English Vessels, ut Supra.

Aliens not to be  
Factors in the Plan-  
tations.

Encouragement is also given to the *Plantation Trade* by another Act of Parliament of the same year; Entituled, *An Act for prohibiting the Planting, Setting, or Sowing of Tobacco in England or Ireland.* The said Act of *Navigation* is again confirmed and Inforced by another Act of Parliament in the Fourteenth year of the King; Entituled, *An Act for preventing Frauds, and Regulating Abuses in His Majesties Customs.* Also in the Fifteenth year of the King another Act; Entituled, *An Act for the Encouragement of Trade*, was made, and amongst other things it was thus Enacted.

12 Car. 2.

14 Car. 2.

15 Car. 2.

And in regard His Majesties Plantations beyond the Seas are Inhabited and Peopled by His Subjeas of this His Kingdom of England; for the maintaining a greater Correspondence and Kindness betwixt them, and keeping them in a firmer Dependence upon it, and rendring them yet more Beneficial and Advantageous unto it, in the farther Imploiment and Increase of English Shipping and Seamen; vent of English Woollen and other Manufactures and Commodities; rendring the Navigation to and from the same more Safe and Cheap, and making this Kingdom a Staple, not only of the Commodities of the Plantations,

tations, but also of the Commodities of other Countries and Places, for the supplying of them: and it being the usage of other Nations to keep their Plantations Trade to themselves.

Be it Enacted, and it is hereby Enacted, that from and after the 25th day of March 1664. No Commodity of the Growth and Produa, or Manufacture of Europe, shall be Imported into any Land, Island, Plantation, Collony, Territory or Place to His Majesty belonging, or which shall hereafter belong unto, or be in the Possession of His Majesty, his Heirs or Successors, in Asia, Africa or America, (Tangier only excepted) but what shall be Bona Fide, and without Fraud, Laden and Shipped in England, Wales, or Town of Berwick upon Tweed; and in English Built Shipping, &c. A little further, And which shall be carried directly thence to the said Islands, Plantations, Collonies, Territories or Places, and from no other place or places whatsoever, any Law, Statute or usage to the contrary notwithstanding; and under the Penalty of the Loss of all such Commodities of the Growth, Produa or Manufacture of Europe, as shall be Imported into any of them, from any other Place whatsoever by Land or Water; and if by Water of the Ship, &c. And a little further it follows thus, And it is hereby further Enacted, That if any Officer of the Customs in England, Wales, or Town of Berwick upon Tweed, shall give any Warrant for, or suffer any Sugar, Tobacco, Ginger, Cotton-Wool, Indico, Speckle-wood or Jamaica-Wood, Fustick or other Dying Wood of the growth of any of the said Islands, Collonies, Plantations, Territories or Places, to be carried into any other Country or Place whatsoever, until they have been first Unloaden, Bona Fide, and put on Shoar in some Haven or Port in England or Wales, or in the Town of Berwick; that every such Officer for such Offence, shall forfeit his Place and the value of such of the said Goods as he shall give Warrant for, or suffer to pass in any other Country or Place.

Also in the twenty second and twenty third years of the King, the due Observation of the said Acts is again Enforced, by an Act Entituled, *An Act to prevent the Planting of Tobacco in England, and for Regulating the Plantation Trade.* And by another Act in the five and twentieth year

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year of the King; Entituled, *An Act for the Encouragement of the Greenland and Eastland Trades; and for the better securing the Plantation Trade.* So that it plainly appears by the multiplicity of the Acts made in this Kings Reign already, (there having been no less than seven) and the great Penalties laid on Merchants, Owners of Ships, and Officers of the Customs who are concerned therein, that no care hath been wanting to oblige us to a due Observance thereof: Yet if we take a strict view of the present Practices of the *Jews*, we shall find that, they not only break through these Laws made with a particular Relation to our *Plantation Trade*, but also through all the former made to oblige them to the payment of *Alien Duty*; without which, (as I said before) no true Ballance of *Trade* can possibly be kept.

And in regard the *Jews* are a sort of Persons admired at, by most Trading People all the World over, as well as here in *England*, for their great Wealth and that they all know it flows from the abundance of their Trade and Commerce; and yet that they carry it on with so much Subtily, covering all in other mens Names, that none but a person designed to dive into their Ways and Methods of Trade; and leaving almost all other Concerns behind his back; together with a resolution to stand his Point, come what will on't, Poverty, Imprisonment, or (rather than fail) Life it self, is fit to attempt so Grabbed a concern, as to touch them to the quick: It came into my thoughts to endeavour it; and really the true value I have for our Nation in General, and for the Merchants thereof in particular, I have adventured to begin it, and beg the Readers pardon for a small digression, to shew that I was in some measure prepared for it, before I began. And it thus was, before I was 16 years of Age, which was in the year 1661. I was Clerk Assistant to *Joseph Ash Esq;* Collector for the Customs of *Plymouth* and *Cornwall*, with whom I remained about seven years, then turned Adventurer at Sea, and particularly to the *Plantations in America*: When the last *Dutch War* came on, I had Employ at *Plymouth*, both in the *Prize-Office* and *Admiralty*; And after that was ended, I Traded into *France*, till the *Prohibition Act* came on, and leaving that endeavoured for an Employ in the Customs again: Which was granted me in the Month of *June* 1680. To be riding Surveyor for the Customs in the Counties of *Devon* and *Cornwall*: My old Mr. *Ash* also gave me another Commission to be Surveyor of the Act of *Navigation* in those Counties, and was so kind,

C

also,

to

## Concerning Aliens

also, to joyn with my my Noble Friend *Sr John Coryn* Baronet, in a Bond for my Fidelity.

Being thus furnished with Commissions, having all the precedent Laws at my Fingers end, General Notions of the usual Actions of those whose Magazine of our *Plantation Trade* lyes at *Amsterdam, Rotterdam, &c.* I set on with a firm Resolution to put all the foregoing Acts of Parliament in Execution against every Person, *Jew or Christian, Merchant or Officer*, that I could meet with who were wilful Offenders therein, in my Districts, with hopes also that my Brethren who had the care of other Places subject to the same evil practices, would in time follow my example: And the reasons which most of all animated me thereunto were. 1<sup>st</sup>. The Removal of the *Snaps* of Commerce which the *Jews* had done, and continue still to do, from *England to Holland*, most of their Cargoes for the *Plantations* being made up of the Growth, Product and Manufacture of those parts, and none of *English*; So that the *Act of Trade* recited, *vol. 7.* is plainly controverted, which directs, That as the People of those Parts are English, so they should be fed, Cloathed, &c. by the Product of England: And if any Foreign Commodities, either for Necessity, Ornament or Curiosity were proper to be vendued there, yet they should come from England: No doubt, intending thereby that every sort of Trade here in *England*, should be somewhat Gainers by what they supply the *Plantations* with. And here it will not be amiss to consider how much difference may arise betwixt a Cargo made up altogether of Foreign Commodities here in *London*, and the same quantity in *Amsterdam or Rotterdam*; an instance only in *Linnens*, for Example, Because the *Jews* in *Barbadoes* Sell more *Hollands* there, than all the *English Merchants* do; and the *Alien-Duty* amounts to a great sum of Money yearly, which the King is wholly Cheated of. The Merchant here employ his Factor in *Amsterdam* to buy it, and allows him his Commission for it, who Ships it there; the Ship arrives here, and the Master hath his Freight paid him, also the King is duly paid his Duties, and the Officers their Fees, the City Duties of *Wharfage*, &c. also is duly paid, and thence is conveyed to the Merchants Ware-house by *Porters or Carmen*, where it remains till the Merchants can meet with a *Draper* to buy it; his Ware-house-room is valued according to the time it lyes, and all coningear Charges added to the prime Cost by the Merchant; then the Merchant adding also so much *per cent.* for his Adventure, &c. As the Market will bear



bear; parts with it to the *Draper*, who is at Charge to carry it home, and of Shop or Ware-house room till he dispose of it again; to which he also adds so much *per cent.* for Disburse of his Money, &c. And then comes a Merchant Adventurer to him to buy what sorts of *Linnen* he hath occasion to furnish his Factor with in the *Plantations*; afterwards comes other Charges on, as *Cartidge, Portorage, Whar-fidge, Custom Officers Fees*, &c. All which must be added in his Envoyce to his Factor in the *Plantations*: And you shall commonly find abundance of Entries and Cocquers to be had here in *London*, and many out-Ports too on any considerable Ship going for the *Plan-tations*, which much increases the Officers Fees, and Impleys abundance of poor Labouring persons, as well as Merchants and Tradesmen. On the contrary, you shall have a set of *Jews* at *Amsterdam* sharers with the *Jews* at *London, Barbadoes, New-york, Jamaica*, &c: who pass every where paying no more Duties than Natives of that place where the Goods at any time are, joyn in a lump together; and at *Amsterdam* or *Rotterdam* make up their Cargoes; when all is on board, they either agree with the Commander of the Ship to come and Enter all, or have private Correspondence with some *English* Merchant in an out-Port, (or their Partners here in *London* have,) who direct their Correspondent in such out-Port to make such Entries as they before-hand have concluded at *Amsterdam* or *Rotterdam*, the most usual Ports which they frequent, are *Dover, Cowes* and *Falmouth*, though sometimes some other Ports betwixt *Dover* and *Falmouth*, and there the whole Cargo is Entred together in some *Englishmans* Name, to avoid payment of their *Alien* Duty due to the King: The Detection and prevention whereof was the second Reason that moved me to endeavour so Vigorously to put the Antient Statutes in Execution, knowing that the King hath already lost many thousands thereby; and that it is also a very great Abuse in the Ballance of Trade, and that both goes on in the same Channel to this day, is the main reason that I now appear publicly in Print, thereby to let every one see how they are Impos'd upon. And now considering what hath been said of the difference betwixt making up a Cargo here, and at *Amsterdam* or *Rotterdam* for these *Plantations*, and the Cheate the *Jews* also put on His Majesty in His Dutie, I confidently affirm the Cargoes from *Amsterdam* or *Rotterdam* are made at least 10 *per cent.* cheaper than those in *London* can be, and consequently may be Sold so in the *Plantations*; let us then look into their Actions back again; and compare a Ship Loaden by many particular

Merchants at *Barbadoes* for *London*; and supposing her whole Cargoe might meet with a better Market in Forreign Ports than here in *London*, and that accordingly all goes off for *Holland*. You will find that any Ship at *Barbadoes* which comes to seek a Freight (for such generally the *Jews* take up) will go for *Amsterdam* or *Rotterdam* for the same Freight they will for *London*; (except a *Winter* be coming on) for if they do well in their Home Voyage, 'tis ten to one but they meet with further Employ back again; or in failure of that, are nearer the *Sound* or *Norway*, &c. to fetch home a Cargo from thence to *London*; And on this ground compute, that every one of the Merchants concerned, pay *Custom Officers Fees*, Unload all, (*Bona Fide*) according to Law pay *Ligherage*, *Wharfage*, *Portridge*, *Cartage*, *Cooperage* and *Sellerage*, &c. Till they Sell them, and then dispose of them to a Merchant Adventurer to *Holland*, who before they arrive into his Factors hands there, payes the other Merchant here, is at all other particular Charges, &c. Till they are Ship'd on Board, and of Freight from hence to *Holland*, adding thereto so much *per Cent.* as the Merchant Adventurers from the *Plantations* may in reason expect, together with the other Merchant who buyes them for an *Holland* Marker, for laying out of his Money, and Risque thither; And judge whether, on the other hand the *Jews*, as I said before, carrying on their *Trade* in a Lump, Enter a multitude of mens Goods in one *English-mans* Name, come into some small Out-Port, and only Unloading part of the Cargo which lyes topmost, leaving the ground Tyre, and all other parts subject to Breach and loss intire, to pass by Computation, and thereby preserve not only the goodness of those *Sugars* which commonly lie in the bottom; but also preserve great quantities, which by removal of broken Butts, &c. usually becomes lost, and many times under them conceal Goods of great value from the Eyes of any Officer, (whose Perjur'd Actions guides to such Diabolical Condescensions;) may not thereby be enabled to Sell when the Ship arrives at *Amsterdam* or *Rotterdam* aforesaid for 10 *per Cent.* Lower than an *English-man* in his usual way of *Trade* at this day can do.

So that if this be granted, (which I Challenge all the *Jews* in *Europe* and *America* to deny if they can,) they may in every Voyage from *Amsterdam* or *Rotterdam* to *Barbadoes*, and back again to *Amsterdam* or *Rotterdam*, Sell 20 *per Cent.* Cheaper than the *English*; And this is the main, if not only Reason, our Merchants have to complain of the small Advance they make in our *Plantation Trade*;



# Trading in England.

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our Markets are generally govern'd by the *Dutch*, the *Jews* can under-sell us there, and yet grow rich by it, and will do so as long as they are permitted to *Trade* contrary to our *Laws*: On the other hand, let them be obliged to pay *Alien Duty* according to the *Ancient Statutes*, and fully obey the *Acts of Navigation and Trade* made 12, and 15 *Car.* 2. and then let them be able to under-sell the *English* if they can; for I affirm, 'tis their breach of the *Laws of the Nations* they *Trade* in, and not their *Frugality* only, that is the cause of their Increase in *Wealth*.

And our *Officers* in some out-Ports, are so kind as to admit prohibited Goods amongst others to an Entry from *Holland*, and thence to *New-York*. The first and only Entry that hath been made by any *Jew* in his own Name in any out-Port of *England*, follows, viz.

Falmouth May 2d. 1681:

In the *Philip* of *New-York*, *English* Built, Burden 120 Tuns, or thereabouts, *Thomas Thompson* Master, from *Amsterdam* for *New-York*, *Bryan Rogers* for *Fmanuel Rodrigo* Merchant,

	Subsidy	Add. Duty
	l. s. d.	l. s. d.
A Pack of Twine 4 C. 2 qr. net.	0 11 3	0 0 0
2 Cases qt. 950 course Drinking Glasses	0 11 10½	0 0 0
2 Cases of Earthen Ware, value 8 l.	0 11 0	0 0 0
A small Cask qt viz. 24 ps. of Holland 370 Ells	4 12 6	2 3 11¼
12 Ps. <i>Slatia</i> Diaper Inkble, each 144 Yards.	0 9 7	0 4 6¼
4 Doz. small Diaper unwrought val. 2 l.	0 0 3	0 0 0
A pack containing 12 Nest of Boxes	0 0 0	0 0 0
A Barrel qt. viz. 2 Doz. Painting Brushes	0 0 3	0 0 0
5 C. 2 qr. White Lead	0 1 6	0 0 0
2 qrs. Red Lead	0 1 5	0 0 0
An half Hogshead of Linseed Oyl	0 8 9	0 0 0
A Case 12 Cheeses 56 C. Weight	0 0 3	0 0 0
A small Barrel qt. 10 Cheeses 1 qr. 14 l.	0 0 1½	0 0 0
30 Chests of Tobacco-Pipes qt. 420 Gross	1 11 6	0 0 0
A Case ql. 15 doz. 3 p. Leather Shoes and Slippers, value 18 l. 05 s. 0 d. Subsidy is	0 18 3	0 0 0
2 Doz. 5 p. Velvet Slippers, value 4 l. 7 s. 0 d.	0 4 4	0 0 0
2 great Mands qt. 160 stone Jugs & Mugs	0 7 6	0 0 0
A small Pack qt. 2 qr. 7 l. of Cheese	0 0 0	0 0 0
50 Chests of Tobacco-Pipes, qt. 650 Gross	2 8 9	0 0 0

	Subsidy	Ad Duty.
1000z. Ordinary Trenchers	0 0 4	0 0 0
10 Nest of Boxes	0 0 0	0 0 0
2 Stillings Irons, value 10 s.	0 0 6	0 0 0
4 small Cheeses qt. 14 l.	0 0 0	0 0 0
A Punchen of Twine qt. 4 C. 2 qr. Net.	0 0 3	0 0 0
25 Chests of Tobacco-Pipes qt. 300 Gros.	1 2 6	0 0 0
12 Chests of Tobacco-Pipes qt. 156 Gros.	0 11 8	0 0 0
20 Ditto qt. 240 Gros. value 1 s. pr. Gros.	0 16 0	0 0 0
25 Ditto qt. 350 Gros.	1 6 3	0 0 0
A small Cask qt. $\frac{1}{2}$ C. of Cheeses	0 0 2	0 0 0
3 Tomb-stones, value 5 l.	0 5 0	0 0 0
* 6 Fowling pieces value 6 l.	0 6 0	0 0 0
* 4 pr. Pistols value 4 l.	0 4 0	0 0 0
534 Iron Pots.	6 13 2	0 0 0
127 Stone-Jugs value 17 l. 6 s.	1 6 2	0 0 0
* 41 Dripping Pans qt. 2 C. 2 l. weight	0 6 6	0 0 0
246 Frying-Pans qt. 4 C. 3 qr. 14 l. weight	0 14 7	0 0 0
A Cask of Horse-Nails 8 C. weight value 5 l.	0 5 0	0 0 0
	Total 27 14 8	2 8 6
	Deducted 5 per Cent.	1 7 8
Petty or <i>Alien</i> Custom omitted amounts to	6 l. 11 s. 3 d.	26 7 0
		2 8 6

Note, That all those Goods marked with this mark\* are Prohibited by the Statute of 4 Edw. 4. 4.

Let any Merchant in *England* now view this Entry, and try if he can possibly conclude that all these Marks being 10 belong to *Emanuel Rodrigo*, for my part I know the contrary; and that though this *Rodrigo* pays but *English* Custom himself, being one of those who got the foregoing Clause incerted, that he should pay no more than *English*, yet most of these Goods belong to other *Jews*, which have no such Clause incerted in their Patentes of *Denization*, and to some who have no Patentes at all; and particularly to *Edmond Disner* a *Jew*, who pays *Alien* Duty here in *London*; and upon Enquiry it is ealie to find out to whom many other Parcels did belong: But this is a very small Cargo in respect of others whose parcels we have not time: But let any one view the *Quarter-Books* of *Dover*, he shall find enough; for there the *Act* of *Frauds*, 14 Car. 2. which declare

That

That the Master or Purser of every Ship or Vessel, shall make a Just and True Entry upon Oath of the Warden, Contents and Loading of every Ship or Vessel, with the particular Marks, Numbers, Qualities and Contents of every Parcel of Goods in their Loading, and who are the Owners thereof. Is past by without regard, and a whole Cargo admitted in one Entry, what reason the Patent-Officers have to pass it so, I know not, (for their Fees is due on every particular Parcel, as much as on the whole Entred at once) except one greater Bribe come in the room thereof; Neither can I fathom their reason of running the Risque of their places, by giving Coquets for Goods to go to the Plantations, which are never unloaded in England: I am also perswaded that Goods may lye Concealed in such Cases, and thereby the King be defrauded of great part of his Dues, as it was lately demonstrated there; a Ship coming in from Holland, cleared at Dover for New York, she had great quantities of Dutch Bricks and Grindstones on Board, pretended to be for her Ballast; And though indeed it was Merchandize, and Entred, yet were they not unloaded according to Law; the Ship had her dispatches, and was gone to Sea, but by bad Weather was forced back, and by accident Cast away or Stranded; and then behold, under her Bricks and Grindstones appeared great quantities of Guns, and other Goods both prohibited and Uncustomed, which the diligent Officers never dream'd of; but this Case is very true, and may serve to whet up their Memories against more Ships come to Clear there on the same score.

Having thus demonstrated the usual ways of the Jews, which of necessity proves both Advantageous to them, and Destructive to the English: I proceed to shew you, how I met with a Cargo of theirs in my District, and what Hardships I have already endured for endeavouring to put a stop to their Illegal proceedings, and oblige them to a thorough conformity to all the precedent Laws, and thus it began.

In the Month of October 1680. I was in Cornwall, and accidentally informed, That at Falmouth a great Ship had been Cleared there from Barbadoes for Amsterdam, without Unloading her whole Cargo according to Law, on which I went thither; and in my way, at Truro met with several Merchants, Gent of Penryn and Falmouth, who had that day been at the Consage of Truro in that Town, and with them I rid to Penryn, amongst them happened to be a Servant of

Sir Peter Killigrew's; I stayed but few hours at *Pewryn* (the Wind being at *Northwest*, which was fair to set Sail for *Holland*;) but went that night for *Falmouth*; where I found that my Information was true, and it being *Sunday* the next day, I intended only to have an Eye upon the Ship, and on *Monday* to examine into the Truth of the whole. But on *Sunday* morning, to my surprize, I was invited to Dinner by Sir Peter; accordingly I waited on him, and after Dinner he took me aside, and told me divers things relating to that Ship, which made me very much admire, for that I knew Sir Peter was not bred a Merchant, and that this Ship in particular was dispatch'd by Mr. Bryan Rogers a great Merchant in that place: But I soon found out the meaning of his being so Earnest, and it was this, Sir Peter Killigrew had a little before Built a Key at the Rump end of the Town of *Falmouth*, and Houses thereon; which Key he got by Friendship to be declared the only publick Key for Shipping and Unloading of Goods and Merchandize, according to the *Act of Frauds* 14 Car. 2. which did belong to that Town and other Ports adjacent, (though to that very place it is no more proper, than for all the Goods that come into *London* to be Landed at *Ratcliffe*.) And a Merchant dwelling in the Body of the Town, near the Market-place, protested that the Charges of Landing his Goods at that Key, and bringing them to his House, cost him as much as the Freight thereof from *Plymouth* did, (which is about 20 Leagues distant,) also the Custom-house &c. was newly settled there, and this was the first Ship of any great concern that ever had Unloaded at that Key, which had acted so ill, that he doubted it might administer new matter of debate, &c. In fine, I promised Sir Peter not to act any thing till morning, and then would be as moderate as the Case would possibly bear, and Sir Peter promised the Ship, (being called the *Experiment* of *London*, Henry Sutton Master,) should not stir; and so we parted, with intention to meet again next morning: On which I went towards my Lodging, and in the way met Mr. Daniel Shewell the Surveyor, with whom I had some Discourse, and then went into my Lodging, being the Sign of the *Fesse*, kept by Mr. Dennis Russel, Notary publick, and then Mayor of the Town; I had not been there long before Mr. Mayor came accidentally into our Company, and said, He thought the Quaker was mad, (meaning Sutton the Master of the Ship) for that he was hunting about for his men to get them on board, in order to set Sail immediately for *Amsterdam*: Then 'twas high time for me to stir, and accordingly I did, getting

getting on board as soon as possibly I could, where I laid a stop on the Ship, put Wayters on board, &c. to secure her; And because I knew all the Officers in *Falmouth* had some hand in her Illegal dispatches, &c. And that I could depend on the Friendship of none there but Mr. *George Washiell* Deputy Customer, and Mr. *Peter Hill* Land-wayter; I sent to Mr. *Thomas Enys* Collector of *Penzyn* for assistance, which I readily had, and so the Ship was stopt: The next morning early, I had notice that the Mr. endeavoured to force his way, on which I applyed to Major *Collins* Deputy Governour of *Pendennis Castle*, under the Right Honourable my Lord *Arundel* of *Trerice*, for assistance in Case of necessity; who frankly complied with my Request, and assured me the Ship should not go out without my Order; Then I returned to meet Sir *Peter Killigrew* at Custom-house, where I found both Him and Mr. *Rogers*; I told them on what grounds I had stopt the Ship, that the Goods were Forfeited by the Acts of *Tunnage and Poundage* the 12 Article to the *Book of Rates*, and by other *Statutes*, they being *Jews Goods*, which ought to pay *Alien* Custom, and contrary to Law had been all Entred in the Name of *Henry Sutton* an *Englishman*: They both seemed concerned at the Discovery, and used many Arguments to perswade me to let the Ship pass; and particularly, for my so doing, I should have 50 *Guineys*, and the best Horse Sir *Peter* had: But all their Arguments prevail'd no farther with me, than that I would give them a Meeting again next morning, by which time I had got the following Information from five Sea-men belonging to the same Ship on Oath, viz.

WE Thomas Bummer, Richard Randall, Nicholas Downing, Thomas Dawson, and Robert Adamson Mariners, lately belonging to the good Ship, the Experiment of London, Henry Sutton Master, of the Burthen of three hundred Tuns or thereabouts, Laden with Sugars and other Commodities, bound from the Island of Barbadoes to some Port of England, and from thence to Amsterdam: And upon the Holy Evangelist do freely and voluntarily Swear, that they arrived in the Port of Falmouth in the Kingdom of England, on or about the 27th. day of September last past from the said Island of Barbadoes. And these Deponents farther say, that the greatest quantity of the Sugars and Merchandizes laden on board the said Ship, do really belong to Jews, and particularly to Aaron Barfcoe, Abraham Barrasse, one Rodrigo and

Lewes Deus, and some other Jews whose Names are unknown to these Deponents. And these Deponents farther say, that after their Arrival into the said Port of Falmouth, they were informed that the said Master made Entry of all, or the greatest part of the Sugars and other Goods laden in and upon the said Ship; after which Entry made in the Custom-house of Falmouth, the greatest part of the Sugars and other Goods were Landed at the publick Key of Falmouth, except one hundred Butts and upwards of the said Sugars, which were never Landed, taken out, or removed, fr m the place they lay in the said Ships Hold. And these Deponents farther say, that on board the said Ship, under her ground Tyre were and are, three great Brals or Copper Guns, which were taken on board the said Ship at Barbadoes aforesaid on account of Merchandize, and that there was also taken in, and loaded on board the said Ship at Barbadoes aforesaid, a parcel of Tobacco, three Hogsheads, whereof were never unloaded; which said Guns and Tobacco, these Deponents say, were not, (as they have heard or believe) Entred or Reported in the Custom-house of Falmouth, by the said Henry Sutton at the time of making his Entry. And these Deponents farther say, that after the said Officers had taken out the greatest part of the Sugars, (excepting the said one hundred and odd Butts) they afterwards ordered that the said Sugars, and other Merchandizes by them taken out should be re-loaded again, which was accordingly done; and after the said Sugars and Merchandizes were re-loaded, the said Officers (as these Deponents heard and believe) did give the said Henry Sutton his dispatches for Amsterdam aforesaid, the said Guns, nor the said three Hogsheads of Tobacco, as these Deponents have heard, not being mentioned therein: And these Deponents farther say, in case Samuel Hayne his Majesties Ryding Surveyor in Cornwall and Devon had not stop'd or seized the said Ship, that she would have been gone out of the said Port of Falmouth, and proceeded on her intended Voyage for Amsterdam.

Jurat' apud Falmouth, 18 die  
October 1680. coram me  
D. Kussel Mayor.

Thomas Bummer.  
Nicholas Downing.  
Richard Randall.  
Thomas Dawson.  
Robert Adamson:



Accordingly we met next morning, and then I shewed them the aforefaid *Affidavit*, which very much startled them, and particularly the concealment of the said *Guns*; the knowledge of which, both Sir *Peter Killigrew* and Mr. *Bryan Rogers* utterly denied, and Mr. *Sutton* the *Quaking* Mr. said, 'twas false, and then again fell at me with Temptations, and would have risen to one hundred *Guineys*; But I plainly told them I had not taken up my Commissions, been Sworn thereon, taken the *Sacrament Test*, &c with a design to break them all, or any of them; let the Temptation be never so convenient or great: But that I would acquaint the Commissioners of what I had done; and though all, or most of the forefaid Laws lay very hard in divers particulars, yet I would proceed with all the moderation that possibly I could: But these words could not calm the Spirit of Sir *Peter*, who saw that the whole Story would be laid open, and consequently that some Damage might in time come to his Key, or that some humour of his might be thereby crost, &c. He parted away, Protesting he would be Revenged on me if it cost him 2000 *l*. And the next day the Master Protested against me as followeth. &c.

**P**ortus de Falmouth, To all Christian People to whom these Presents shall come; I Dennis Russel Mr. Sutton's Protest.  
of the Town of Falmouth in the County of Cornwall,  
Notary and Tabellion Publick by Regal Authority, Admitted and Sworn, send Greeting Know ye, that this day came and appeared before me, Henry Sutton Master of the Good Ship called the Experiment of London, of the Burthen of two hundred and fifty Tuns, or thereabouts, Loaden with Sugars, Cotton, Ginger and other Merchandizes, bound from the Island of Barbadoes to the said Port of Falmouth, and from thence to Amsterdam: And did declare that he arrived into the said Port of Falmouth with the said Ship, from the said Island of Barbadoes; the third day of this instant October; and after his Arrival repaired to the Custom-house in the said Port of Falmouth, and there made a Due and just Entry and Report of the said Ship, and of all and singular the Goods and Merchandizes which were on board her, which said Goods being afterwards viewed, Numbred, or Weighed, by the Officers of the Customs in the said Port, appointed for that Service; and having there pay'd to the Collector of the said Port of Falmouth, the Duties and Customs due to His Majesty for the said Goods by the said Henry Sutton Imported in the said Ship the 14th. day of this instant



## Concerning Aliens

October the said Henry Sutton took out of the said Custom-house from the said Officers there, his Cocquet for Amsterdam aforesaid, intending to set sail and depart with the said Ship and Goods loaden in her for Amsterdam aforesaid, with the first fair Wind and Weather God should send. And the said Henry Sutton farther declared, that the 18th of this instant October the Wind and Weather came up fair for him to proceed on in his intended Voyage aforesaid; and in order thereunto got on board one of the Anchors, to which the said Ship was moored, intending to take the opportunity of the said Wind, and to make all the Dispatch he could to sail the said Ship and Goods loaden in her for Amsterdam aforesaid: But before he could get the other Anchor of the said Ship on board, one Samuel Haynes His Majesties Ryding Surveyor within the Counties of Cornwall and Devonshire, the said 18th. day of this instant October went on board the said Ship, and laid a stop upon her, and would not permit or suffer the said Henry Sutton to weigh the other Anchor, nor to proceed with the said Ship and Goods loaden in her, on her intended Voyage for Amsterdam aforesaid, pretending that the said Henry Sutton had not Landed nor Reported the Goods loaden on board the said Ship, according as the Laws of this Kingdom of England directed: And therefore the said Samuel Haynes further declared, that he would keep and detain the said Ship and Goods on board her, until such time as he had an Order from His Majesties Commissioners of the Customs for the Clearing her. Wherefore I the Notary publick aforesaid at the special Instance, and Request of the said Henry Sutton, have Protested, as by these Presents I do Protest against the said Samuel Haynes, for all Damages, Losses, Prejudices and Hindrances, the said Henry Sutton, the said Ship and Goods loaden in her, and all other Person or Persons whatsoever concerned in the said Ships loading, have sustained or received or shall, or may sustain, or receive for or by reason of the said Samuel Haynes his stopping, detaining and hindring the said Ship from proceeding on in her said intended Voyage as aforesaid: My Testimony whereof, I have hereunto put my common and usual Sign and Seal at Falmouth aforesaid, this 26th. day of October, Anno Domini 1680 (Old Style.)

De Russel Notarius Publicus.

By

# Trading in England.

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By this Information and Protest, you may plainly see that the Ship had not been unloaden (*Bona fide*) according to Law; that some Goods had been Concealed without Entry; and that the Ship had so proceeded for *Amsterdam* had I not put a stop to her: The next thing requisite, is to see what Goods were Entred, and by whom; which was, *viz.*

Falmouth 4th. October 1680.

In the Experiment of London 300 Tuns, Henry Sutton Master, from Barbadoes, Bound to Amsterdam.

Henry Sutton

Inds.

	Subsidy.	Ad. Duty.
	l. s. d.	l. s. d.
204 Butts, 137 Hogsheads, 15 Barrels of Muscovado Sugar qt. 3689 C 1 qr. 0 l. weig.	286 13 10½	00 0 0
360 Baggs and Bulk Ginger qt. 352 C. 2 qr 5 l.	17 12 3¼	00 0 0
7 Hogsheads of White Sugar qt. 57 C. 1 qr. 7 l.	11 7 6¼	00 0 0
16 Hogsheads, 25 Bags and 2 Barrels of Tobacco qt. 9238 l.	38 9 10	00 0 0
4 Tuns of Moloffes.	2 13 4	00 0 0
50 Bags of Cottons Wool free qt. 10156 C:	356 14 10½	38 9 0
Deducted 5 per Cent.	17 16 9	00 0 0
	338 18 1½	38 9 0

The *Alien* Duty hereon is totally omitted, being one quarter part, which amounts to the sum of 84 l. 9 s. 3 d. ½ of which the King is wholly deceived. On unloading the Ship, I found the Goods to be marked with 35 distinct Marks, and I also found other Goods over and above the foregoing Entry, the particulars whereof follow, *viz.*

## Concerning Aliens

Two Hogsheads of White Sugar qt. 16 C. 0 qr. 0 l.  
 3 Hogsheads of Tobacco qt. 1000 l.  
 A Parcel of Ginger qt. 89 C. 1 qr. 25 l.  
 A Parcel of Fustick qt. 21 C. 0 qr. 0 l.  
 A Parcel of *Lignum Vita* qt. 59 C 0 qr. 0 l.  
 3 Copper Guns qt. 13054 l. weight, valued at 871 l. 4 s. 0 d.

The Custom of which Goods would amount to 67 l. 9 s. 6 d.

Add hereunto the *Alien* Duty aforesaid 84 9 3  $\frac{1}{4}$ .

And in all it amounts to the sum of 153 l. 16 s. 9 d.  $\frac{1}{4}$

Which is near one third part of the whole Customes, besides all the Charge of unloading their Ground Tyre, &c. Besides the Officers Fees, which in that Port for every *Alien* Entry is 8 .. and for every *Alien* Debenture 10 s. Now we may with greater reason believe that every particular Mark here belonged to a particular person and ought so to be Entred according to Law, than that so many Marks should belong to one Man and a Master of a Ship too, and they are 35. every one whereof ought to have an Entry Inward, another Outwards, and a Debenture, each of which comes to 26 s. by an *Alien*; and for 35 is 44 l. 0 d. 0 s. and the Officers have but 0 l. 15 s. 0 d. by an *English*, so are paid 43 l. 7 s. 0 d. short, and so much is saved to the *Jews*, which added to the former 153 l. 16 s. 9 d.  $\frac{1}{4}$ . makes up 193 l. 03 s. 9 d.  $\frac{1}{4}$ . Cheat to the King in his Duty and the Officers in their Fees of the Cargo of this one Ship from the *Barbadoes*, though loaden with Goods which payes but small Duty, (except the small quantity of Tobacco) and with Cotton-Wool which payes no Custom at all. As soon as Sir Peter, &c. saw that nothing could be done with me, but what the Law did direct, the said *Henry Sutton* was privately dispatch'd away for London; and as soon as I heard of it (which was some days after) I was advised to speed thither too, which I did; but *Sutton* had made such haste, as that he was come back again to *Honiton* in *Devonshire* by the time I got thither in my Journey toward London: And being met there, he told me, that he had procured an Order from the Commissioners to clear the Ship, I demanded to see it; but he told me, 'twas in the Male, which could not there be opened; so I took an opportunity to write to my Friends at *Falmouth*, not to part with the Ship till they heard from me

me at *London*, and proceeded thither, where I found that Sir *Peter Killigrew*, together with the Collector and Surveyor of *Falmouth*, had mis-represented the Case to the Commissioners, who had there-upon wrote to us Officers joynly, (when our Interest was separate, (for the Collector and Surveyor had Illegally dispatch'd the Ship, and I was Prosecuting the forfeiture;) declaring that they saw no cause why the Ship or Goods should be detained. But before I made my appearance before the Commissioners, I stated my Case in writing to Mr. Attorney General, and Mr. Searjeant *Maynard*, who gave under their Hands, that the Goods were Forfeited, &c. Also I had the Opinion of some of the Antientest and Ablest Officers of the Customs, who declared the same, and then at a day appointed attended the Commissioners, who then were present, being My Lord *Cheyne*, *Francis Millington* and *John Upton* Esqrs, Mr. *Hutchinson* appeared there as Solicitor for the *Jews*, and in the Council Chamber I produced my Opinion of Council, and 'twas concluded the Law was clear on my side: Mr. *Hutchinson* Argued, that a great part of the Goods did belong to *Jews* who were made Denizens, and produced two Patents of Denization, which were read by Mr. *John Sanfon*; and in the first of them, the Clause, that they should pay no more Custom than *English*, was not Inserted and Mr. *Sanfon* told them, 'twas not for their purpose; then the other was read, in which Mr. *Anthony Gomasera*, and Mr. *Anthony Losado* were Named, and that Clause Inserted; and 'twas said, That would do. I immediately demanded how much of her Cargo belonged to them, but could have no answer: Than I was left to try the Title at Law at my own Risque and Charge; Indeed my Lord *Cheyne* said, That their Purfes were too Heavy for me, and that they would be too hard for me, if the Commissioners did not stand by me: But Mr. *Upton* (then one of the Commissioners) appeared openly against me, saying, *I was too poor, and that I aimed to grow Rich at once*: And at another time, few days after, when I acquainted the Board that I was told the *Jews* did design to Arrest me, Mr. *Upton* said, *He wondred that they let me alone so long*; and would not agree to Protect me, though my Lord *Cheyne* offered it again.

Being thus left to the wide World, I returned to *Falmouth*, and Mr. *Sutton* was again come for *London*, leaving the Managery of his Concerns with Mr. *Bryan Rogers*; my Attorney sent me down a Writ of Appraisement, naming the Officers of *Falmouth* for Commissioners. Mr. *Rogers* by Directions from *London*, desired me to admit of an easie

Appraisement; and that adding those Goods Sworn to be on Board, besides those Entred; to those which were Entred, I would consent to pass it, without the Charge of unloading, &c. To which (by advice) I consented; and because it should be done as exactly as possible, desired that the Land-wayter and Tydes-men who had been concerned in her Unloading before-hand might be Appraisers, and then Mr. Sutton giving in good Security according to Law, he might go on his Voyage as soon as he pleased; which I verily thought, as did Mr. Rogers also, would be the safest and cheapest way on all sides: But when it came to that, the persons named for Commissioners would not stand; they had dispatch'd the Ship Legally (as they said) and would not be concerned in any other manner. So I was forced to nominate other Commissioners and Appraisers, who would not Act without they saw the Goods, and that could not be done without unloading the Ship, which proved a very great Charge for me: In the mean time (almost three Weeks after my Seizure) the Commissioners here, order'd their Collector and Surveyor of *Falmouth* to admit the Guns to an Entry, which they did without my consent, or knowledge when I came to hear it; I Protested against it, and wrote to the Commissioners thereof; But instead of an Answer according to Law (for *Upson* himself had said the Seizure of the Guns was good) down comes a Letter to the said Collector and Surveyor, with Order to impart it to me, which intimated, that the former Entry was not right, either in quantity or quality, &c. And that the Information being in my Hand, they should get the Merchant to make a Post Entry according as I should advise them: They came to me about it, I told them the Guns were Forfeited, and the King should have his Moyety of the true value, or the Guns themselves: And I would not consent to an Illegal Entry, come what Order there would from the Commissioners; On which I sent for a Writ of Appraisement a part for Them, and on Oath they were Appraised at 871 *l.* 4 *s.* 0 *d.* the Kings Moyety amounted to 435 *l.* 12 *s.* 0 *d.* And on the Entry taken blind-fold by them, he had not above 7 *l.* 10 *s.* 0 *d.* So that the King lost thereby 428 *l.* 12 *s.* 0 *d.* and I lost 435 *d.* 12 *s.* 0. When I would not obey the said Order, they got a Writ of Delivery, which also I would not obey, they being no Perishable Commodities, &c. And the Writ obtained contrary to the Statute 14 *Car.* 2. viz. *Be it Enacted by the Authority aforesaid, that no Writ of Delivery shall be granted out of the Court of Exchequer for Goods seized, but upon good Security, and that for Goods*  
perish-

perishable only, or in cases where the Informer shall defer or delay his coming to a speedy Tryal, as the course of that Court will permit, and shall be thereby ordered and directed. Now all men know, that *Copper-Guns* are not Perishable; And 'twas the middle of *Hilary Term* before they were taken out of the Ship, or seen; and no Tryal could be brought on before the date of the Writ of Delivery, which was the last day of that Term; also many times on such occasions, such Writs are disobeyed. However I being Imprisoned, the Collector of *Penryn* was threatened by the Commissioners to be cashier'd his place, if he did not take off his Lock; which he for fear did, and mine was broken open, and the Guns forceably carried away before any Tryal was brought on for them; If any question the Truth thereof, I refer my self to the Commissioners own Letters, written to the Collector and Surveyor of *Falmouth*, and the Collector of *Penryn* on that occasion. All the rest of the Ships Cargoe (as well as Guns) was unloaden and secured in divers Warehouses at *Penryn*; and both sides preparing for a Tryal against the next Assizes, and about the time half the Ships load was on shoar, I was Arrested coming on Shore at the Strand of *Falmouth*, at the Suit of *Henry Sutton* in an Action of 2000 *l*. And Parties being presently taken, I was like to be pluck'd in pieces betwixt my Friends and Foes, till Mr. Mayor came and secured the Peace; Then I desired an hours time to send to *Penryn* for Bail; But 'twas denyed me, and the County Prison being at *Bodmin*, almost 40 Miles thence; the direct way was through *Penryn* and *Truro*; I was within Pistol shot of my Lodging, but was not permitted by Sir *Peter Killigrew* (who Headed the Bailiffs and their Followers, being about 25 in number) to have my own Horse to ride on, nor my Boots, &c. to put on, but was set on an hard going Jade, with an heavy Bailiff behind me; and after some small stay in the Street, Sir *Peter* ordered us to ride down to the Rump end of the Town, and in that going down to his Key, the Fellow by the steepness of the descent was forced to lean on my back, that I was hardly able with all my Strength to keep my self from tumbling over the Horses Head; thence I was conducted into a Boat filled with Bailiffs, &c. The Land-way being thought impassable by Sir *Peter*, and indeed (if I was not afterwards mis-informed) he conjectured right, for the Love of the Country was so Much for me, and so averse to the *Jews* and their Agent Sir *Peter*, that much Blood might have been spilt, if I had been carried in the direct way, and it had been impossible for me to prevent it:



After I was put into the Boat, as above said, Sir Peter thought it imprudent either to let me stay there by his Key any considerable time, or to adventure me off without a strong Convoy, he saw my Friends assemble so thick at his very Face on the shoar, that he durst not let me come on Land again, but with all imaginable speed, got two Boats loaden with men more to guard me; My Friends seeing it, sent some in a small Boat to know of me if they should attempt my Rescue on the Water: I gave them for Answer, that I thank'd them for their Zeal to me; but withall, that the Law must have its course; that I was sorry so much trouble had been already given on either side, and that they could not demonstrate their Kindness to me by any way more, than to let me go quietly to Prison, and there let me hear from them: All my Friends accordingly submitted, but Sir Peters jealousy remained, for doubting the Fidelity of all those men, he sent one of his own Principal Servants to over-see them, and to direct Mr. Under-Sheriff at *Bodmin*, and the Keeper of the Goal there, to take such care of me as they ought to do in cases of the highest Crimes imaginable. But as soon as we were out of Sir Peter's sight, all my Guardians protested Friendship to me, and pitied my hard usage, excusing themselves, by the Obligation their Duty and Sir Peter's Commands bound them to; and indeed at *Tregony*, where we Lodged the first night, and all our way to *Bodmin*, we cheerfully past the time, having for my self a just cause to enliven me, and my Guards no doubt of an Escape intended by me. The next day about noon we arrived at *Bodmin*, where I was delivered to the Keeper, but by so numerous a Train, that neither the Keeper, (though about 70 years old,) or any of that Town or Country, had ever seen the like; and every one almost had a peculiar fancy to know the reason thereof: Sir Peter's Man (according to the Instructions he had of his Master) having spoke to the Under-Sheriff and the Keeper, and so left me.

Almost as soon as they were gone, the Keeper came to me, and on my asking him, told me what directions he had from Sir Peter's Man; But withall told me, he valued it not, neither look'd he on me as dangerous, but very frankly offered me liberty to go to the Tavern there, without any Keeper; and accordingly taking himself and another old man with me of his old acquaintance, we went to the Tavern; at our coming home again, I met a supply of Money from *Falmouth*: The next day Mr. Sheriff came and gave me a visit, and the day after I was Bailed out, and immediately returned



ed to *Palmouth*, totally discharged the Ship of her Loading, and then cleared the Ship from any farther stop; soon after I was told more Writs were issued out against me, and against every one that had acted by my Order, and that wherever we were in that Country no cost would be spared to catch us; which indeed I concluded to be true, because Sir *Peter* had formerly protested the same; and two of those I imployed were taken, viz. *John King* and *Thomas Chapman*; who were carried to *Bodmin*, and there lay 10 Months in Prison; at the Suits of Mr. *Gomasera*, *Lofad*, and *Sutton*, King for 7000 l. *Chapman* for 1565 l. Some fled for fear, and others by making Friendship with Sir *Peter* were spar'd, though Writs had been taken out against all of them, and the least I ever heard of, was 5000 l. Therefore I thought it my best way to come for *London*, there to prepare for the Tryal; when I was come thither, the *Jews* had notice of it, and treated me both with fair Offers and Threats; if I would not carry on the Tryal, they offered me 150 *Guineys* by Mr. *Hutchinson*, which Mr. *Levy*, the Jew hath since told me, would have been made 200, if I would take it: I answered, that I would do nothing without leave from the Commissioners, and that the King should equally have share in any Composition I made, but Mr. *Hutchinson* prest the contrary, saying, If I made an end for my self, none would prosecute the Case any further; But I would not do it, knowing it to be contrary to Law, &c. Though almost daily practised in this Port of *London*: On which came on our Tryal at *Lancetson* the following Assizes, my Information being grounded on the Act of *Tunnage* and *Poundage*, and the 12. Act of the *Book of Rates*, &c. For not paying His Majesties *Alien Duty*; and in case that point should be over-ruled, I entred also about 30 C. weight of *Ginger* in the same Information, which had not paid any *Duty* at all, either by *Jew* or *Gentile*, to be sure of a Verdict. All along the Goods were wholly claimed by Mr. *Sutton* and Mr. *Skinner*, Master and Mate of the said Ships, till at the Tryal the aforesaid Patent of *Gomasera* and *Lofado*, was produced and read in Court, and a *French-man* and a *Jew* Servants to them, Swore the whole Cargo belonged to the said *Gomasera* and *Lofad*, contrary to the *Seamens Affidavit*, &c. They also produced a Certificate from the *Custom-house London*, which was read, and by a Jury composed of one Principal and eleven *Talamen*, I was cast. And I cannot but hint that it was about the time, when *Ignorant* *Jurists* were in fashion; and that to assist the King with Money was Voted a Crime.

On which all the Goods Tryed, I ordered to be delivered; which was done; but ordered that the *Guns* which were not Tryed should remain; however they were by force got away, as I have afore-mentioned. Then, though all the Goods were thus delivered, yet the *Jews* Spleen was further Exasperated; they took out more Writs against me, that I could no longer remain in the Country, so I came for *London*, and Lodged in the Precincts of the *Temple*; thence I frequently wrote to the Commissioners of the Customs, giving them an Account of what had past, and that I was assured I should be Arrested in a very great Action by the *Jews*, if I appeared abroad; except they would Protect me: But in fine, had for Answer, a day appointed to appear before them, without any Promise of Safety; which if I did not do, they would dismiss me, and that in the mean time I stood Suspended: When the day came on, which was in the beginning of *May* 1681. I was again informed that I should certainly be Arrested if I came there, I declined appearing, giving the Commissioners my reasons for it; but they proceeded to dismiss me, according to the Resolutions they had taken among themselves. Then *Sutton* came on hard against my Bail; to whom, by consent, I yielded my self Prisoner, in an Action of 8000*l*.

And the last day of *Trinity Term*, came into the *Fleet Prison* in *London*; where I had not been many days but some earnest business called me abroad again: Mr. *Warden* gave me leave to go with a Waiter, and I went to the *Custom-house*, where I met with Sir *Peter Killigrew*, who appeared just as became a Champion of the *Jews*, and of their Cause, telling me plainly, That he would make me Rot in Prison, that I must never expect to come out thence till Death, &c. And in the Evening I returned to the *Fleet*, where, in a day or two the said *Jews Gomasera* and *Lofado* lodged Writs of *Habeas Corpus* against me for 5000*l*. more; so all that long Vocation I was continued a Prisoner: But when ever I had business abroad, and applied my self to Mr. *Warden*, he freely gave me leave to go. When the Term was approaching, one Mr. *Morass* a *Jew*, coming to speak with a Jeweller then in the *Fleet*; with whom Accidentally I was in Company: The said *Jew* told me, He knew how my business had gone; and advised me to make Peace with the *Jews* at any rate; assuring me, That they were resolved not to spare their Purser, and that he knew when that Frenchman and Jew went down to *Lancaster* to manage the *Trial* against me there, they carried out 1000 Guineys along with

## Trading in England.

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with them, and did not bring back five. Which Vaunting Speech I was not daunted at, But the Term being on, I had six Hearings before the *Barons* of the *Exchequer*, and in conclusion made an end betwixt ourselves, they giving me about 50*l.* in Money, and taking off all their *Adions*; and I giving a general Release to them; to their Agent *Sir Peter* to the Collector and Surveyor of *Falmouth*, and to as many more as they would Name; who for their part offered the same to me; but I, (as Innocent) scorned any: Thus was I after above 600*l.* Expence forced to make this end with them then, not without a perfect resolution to have another touch at them the next opportunity I could meet with: Then I endeavoured to clear my self from the Debts I had contracted in Prison, and in the Law Suits, and found that I wanted about 30*l.* to do the whole. And considering my Imprisonment arose only from my Fidelity in my Employ, I thought on Petitioning for my Sallery during my Imprisonment; and for a further Employ; in both which I was advised to get an Interest with *Sir Nicholas Butler*, and accordingly I did; but thought it most proper to pursue my Designs for an Employ first: And I pitch'd on such an one, as none ever had had before, viz. A Commission to put in Execution the following Proposals,

*That the Staple of our Plantation Trade was in great measure removed to Holland, by such, who made up their Cargoes out, at Amsterdam and Rotterdam, and had the Product thereof brought directly home again for Prime sale to their Magazines there.*

*That both Out and Home, they stop in some Out-Port from Dover to Falmouth Inclusive, to get some dispatches, which they commonly procured without Entering and Unloading according to Law.*

*That a multitude of Goods pass thus in English-mens Names, which really belonged to Jews, and ought to pay Alien Custom.*

*That if I were fully Impower'd, I could in every Port for 10 years past discover all the particulars of the Goods belonging to Jews, and Entered in English-mens Names: And that I would Name both the Jews who were their Owners, and the English-men who colour'd it, and how much Damage thereon had accrewed to the King in that time.*

That

*That by any method I could propound, I could make it impossible for the Jews, or any other Aliens, to All the like for the future, or any other for them.*

✧ Note, That these Proposals were given Sir Nicholas Butler three years since, yet the Jews to this day are permitted to Trade as before.

Sir Nicholas Butler seemed to be much taken with these Proposals, and assured me of his greatest Assistance, and ordered me to make three Copies thereof for him, two whereof, he said, he would give to persons of Honour at Court, and the other keep himself; which accordingly he had, and for about three Months time, fair Promises of full Authority attended me from him, on which I depended.

About the beginning of June 1682. Monsigneur Lewis Parent, an intire Friend of mine, and an Associate with some Jews, came to me and demanded of me if I was about to have any new Contests with the Jews; I demanded in Answer, what reason he had to put that question to me; he Answered, That some Jews had told him, I was tampering with some at Court about it, and bid him in Friendship to advise me to desist. I, that had no further imparted my designs than to Sir Nicholas Butler and Mr. Sanson protested Ignorance in the Case, but Monsigneur Parent believed the Jews beyond me. Some few days after, Sir Nicholas told me, He found that the Execution of my Proposals would be both hazardous and difficult, and in fine would not advise me to undertake it, or assist me in it; But said, he had thought of another Employ for me, and that was to be his Clerk, which I accepted, and about Midsummer 1682. came to him: Then I thought I should not fail of an opportunity to procure my Salary also during my Imprisonment, and in short time I drew a Petition to the Lords of the Treasury, Sir Nicholas promising to get it Read and Referred: But I had not been above two Months in his Service, before an Ancient Friend of mine told me, that I must not expect to tarry much longer with Sir Nicholas; I could not believe it, knowing no reason for it; and desired him to tell me who he had it from and he said, it was from the chief Servant of a great Wine-Merchant; who also gave his reason for it, *That I saw too much, and that they must rid me thence, &c.* And truly I soon found that such a design was on foot; for Sir Nicholas, who had promised his

his Friendship in getting my Money from the *Treasury*, delayed it, though I did perpetually press him to make good his Promise in that particular, for that my Charges continued running on at the *Fleet*; and that I was daily called on for some small Debts I had contracted in my Imprisonments, all which, that Money would then clear, and leave me about 30 *l.* in my Pocket. Now usually every week, or 10 days, Sir *Nicholas* would give me a great many Letters and Papers out of his Pockets to fold and lay up; and for three times following I always met my Petition amongst them, though he had been divers times at *Whitball*, and promised to get it dispatch'd: But when I saw it so delayed, I took out my Petition and Reference from the Lords of the *Treasury* my self, and shewed it Sir *Nicholas* first; he demanded how I got it, I told him, by some Friendship I met at the *Treasury Chamber*; at which he shook his Head and Frown'd; however, fed me with fair words, ordered me to give it to Mr. *Sanfon*, and still promised he would be my Friend: Mr. *Sanfon* told me he would Read it the first opportunity he could meet with, but he said Sir *George Downing* would be my Enemy, and he would get it done when he was Absent: This was only a put off; and do what I could it was the 28<sup>th</sup>. of *August* 1683. before it was read, and Sir *George Downing* was not only present, but Chairman too at that time, and he dispatch'd it, by which it plainly appeared that Sir *Nicholas Butler* and Mr. *Sanfon*, on whose Friendships I wholly depended, were the only persons that occasioned this delay, which proved of very ill consequence to me; for my Debt daily Increased at the *Fleet*; and other persons being prompted to change their Words into Actions, they did so, and served them on me always publicly at the *Custom-house*, or Sir *Nicholas* his Door; and in fine, gave opportunity for Sir *Nicholas* to tell me, that he thought it Improper to have a Servant under such Circumstances; and on the other hand I still press him for dispatch of the Money at the *Treasury*, which would clear them all: But I found that was kept from me, on purpose to expose me in that nature, and thereby force me to part from Sir *Nicholas*, which I did about *Midsummer* 1683. After I was gone from him, I went to some that I owed Money to, who scorned to meddle with me, knowing how ill I had been dealt with: But my Enemies at *Custom-house* seeing that, and that my Report was past in my Favour, gave out, that I had lost my place, and was going beyond Sea, on which Mr. *Warden* sent for me, and Confined me again for his Debt: I told him

him how my Case stood; and how my Design was, but at that time could not prevail for any Liberty: Sir *Nicholas Butler's* Clerk came to me often (from his Master no doubt) and proffered me to pay the *Warden*, and to furnish me with Money to go to *Ireland*, and there I should be assured of a very good Employ; I thank'd him for his Kindness, but resolv'd to try *England* a little longer: But desired him to hasten up my Report to the Lords of the *Treasury*, that I might thence raise Money to clear my self; This being at the beginning of *September*, the Lords of the *Treasury* were Adjourn'd till the latter end of *October*; as soon as they sat, and the first day the Commissioners of the Customs went up to meet their Lordships, my Report was carried up, and read, but (thanks to Mr. *Sanfon*) he had lost both my Petition and Reference, so that their Lordships could order nothing thereon, which did fully demonstrate where the stop lay, and no remedy for me but Patience. Yet about *Christmas* some contest happening betwixt the Collector and Surveyor of *Plymouth*; I was by order of the Commissioners of the Customs, to appear at Custom house *London*; Mr. *Warden* of the *Fleet* permitted it: And after I had dispatch'd the business they had for me, I mov'd my own concern, on which they made an Order that I should draw another Petition, and to that the foresaid Report should be Affixed and carried up to the Lords of the *Treasury* the next time they went up; accordingly I drew another Petition and gave it to Mr. *Sanfon*, and by the 22 day of *March* following, I got a Warrant from the Lords of the *Treasury* for 62 l. 10 s. 0 d. for five Quarters upon my Salary of 50 l. 0 s. 0 d. per Annum during my former Imprisonment. Then I thought my self on the brink of Liberty, and Assigned over the said Warrant to Mr. *Warden*, who sent it by one of his Servants to the Commissioners of the Customs, who instead of paying my Money according to the Warrant, kept both Money and Warrant, and thereon continued me a Prisoner in the *Fleet*: However Mr. *Warden* seeing how basely I was dealt with, was very favourable to me in letting me go abroad when I pleas'd.

But the same day Mr. *Culliford* went away for *Ireland*, one Mr. *Plumb* Servant to Mr. *Prowse* Solicitor of the Customs, invited me to drink a Glass of Wine with him at the *Mitre-Tavern* in *St. Pauls Church-yard*; I promised to meet him, and did so, the 15th. of *September* 1684. (having my Wayter with me,) when I came to him, he began to discourse about Mr. *Culliford's* going to *Ireland*, and



and about Writs of Delivery, Notes of Recovery, and Writs of Appraisment, which are Instruments much abused by those intrusted by His Majesty for the Mannaging His Moyety of Seizures, and did particularly appear of late by the discovery of the great Villanies committed by *Levi the Jew*, and this very Fellow *Plumb*, the Examination whereof was before the Commissioners; and though the Fraud appeared so plain that *Plumb* was forced to Re-fund about 200 *Guinees* which he had cheated the King of; yet he is not only continued in his place, but was thought on for the fittest man to Trepan me. After we had drank two Pints of Wine, we parted; and as soon as I was got into the Street with my Wayter, was Arrested at the Suit of the King for 17*l.* 10*s.* 0*d* pretended to be due to His Majesty long since, but unknown to me; and away was I hurried immediatly to the *Paultry Compter*; The next day Mr. *Harden* sent to demand me, but could not prevail; the Serjeants had such strict Orders to keep me, and no Judge of the *Common-Pleas* being then in Town, I was forced to stay there till the Term; and after that came, I was stayed by Tricks there till the 27*th* of *November*, when my third *Habeas Corpus* brought me again to the *Fleet* at my own Charge: The Suit against me was by Writ; and my Person being put in the *Compter*, must be removed by the Plaintiff, before I could be declared against: So that what Charges *Plumb*, or his Master hath put the King to in Arresting and Carrying me to the *Compter*, was the Product of their Malice against me, and to make good Sir *Nicholas Bailer's* Protestation, That I shall Rot in Prison, and never come out again, Rather than for any thing tending to his Masters Interest; time will shew why they deal so severely with me. In the interim, I will only give the Reader the sight of a Copy of my Warrant, and a few Remarks thereon, and so conclude.

1683. Dec. 21. 1683.

**A**fter our hearty Commendations; Whereas upon the Petition of Samuel Haynes, late Riding Surveyor on the Coast of Cornwall; praying us he may be allowed 62*l.* 10*s.* for five Quarters, upon his Sallary of 50*l.* per Annum. You have made a Report unto us, bearing date 28*th*. of August 1683. Acquainting us that the said Samuel Haynes was dismissed from his said Imployment of Ryding Surveyor on the Coast of

Cornwall, for Absence from his Duty, for the space of near six Months; And that it since appears to you, that the cause of his Non-attendance on his said Employment, was in great measure, by reason of some Vexatious Actions brought against him by Merchants concerned in the Loading of a certain Ship from His Majesties Plantations, who had unduly cleared in the Port of Falmouth for Holland, without unloading her whole Cargo according to Law; which Vessel he caused upon probable grounds to be unloaden, after she had been cleared as aforesaid by the Officers of that Port; and though he received nothing to himself, upon his Information of Seizure; nor was he encouraged by you to Prosecute the Forfeiture, yet by the unloading of the said Ship he discovered Goods which paid 69l. 7s. 6d. Duty to the King, which had been concealed, if he had not unloaden and searched her as aforesaid. That you are informed, by reason of the Actions brought against him upon that occasion, he was some time forced to Abscond, and was afterwards cast into Prison, which was the occasion of his Non-attendance on his Duty, and that he continued long in Prison after the time of his Dismission; Upon consideration of the Premises; These are to pray and require you to give Directions to the Receiver General and Cashier of His Majesties Customs, to make payment of the said sum of sixty two Pounds ten Shillings to the said Samuel Haynes for his five Quarters Salary as aforesaid; for which this Shall be Your Warrant, Whitehall, Treasury Chamber, March the 22d. 1683.

To our very Loving  
Friends the Commis-  
sioners of His Ma-  
jesties Customs.

Mr. Haynes 62<sup>l</sup>. 180

Rochester.  
J. Erle.  
Ed. Dering.  
S. Godolphin.  
Ste. Fox.

By this Warrant you may see, That though I had been very hardly thought of by the Commissioners themselves, and that I had obeyed the Laws before their Letters; yet they could not chuse but give me a good Report, owning that I acted according to Law, and upon probable Grounds; and that the Ship was unduly Cleared by the Officers of *Falmouth*: And that I had done good Service in Searching the Ship, and making such discovery as I did: And further, that they own there was a Forfeiture, but that they did not encourage the Prosecution thereof: Upon the whole, I shall presume to make the following *Quaries*.

First *Whether an Officer of the Customs in an Out-Port, who hath taken an Oath according to the Statute 14 Car 2 (viz.) [Be it hereby also Enacted, that all Deputies, Clerks and Servants, which now have any place of Office in or about the Customs and Subsidies, by and under the Commissioners, or other the Kings Officers thereof: Shall before the 1st of June next, take their respective Corporal Oaths, for the True and Faithful Execution and Discharge, to the best of their knowledge and Power, of their several Trusts and Employments committed to their Charge and Inspection; and that no person or persons shall hereafter be Employed or put in Trust in the business of the Customs, until he shall have first taken his Oath as aforesaid.] Is obliged to Act according to that Oath, to his Knowledge and Power; or on the contrary, submit to the Pleasure of the Commissioners grounded on false Suggestions, or Private Humour.*

I make this *Quary*, because the Commissioners first Letter was grounded on the false Allegations of the Jews and their Agents; and it was carried on, on the private Humour (and perhaps Interest too) of Mr. *Upton* and a certain Clerk Assistant.

Secondly, *Whether after Goods are legally Seized by an Officer, and consequently are in the hands of the Law, can be admitted to an Entry by the Commissioners without the consent of the Officer, and without Prosecution according to Law, 14 Car. 2. viz. And that no Infor-*

mer or Officer shall be suffered to Compound under one Third of the Appraised value, upon loss of his Office.

I make this *Query*, because the King lost by the Commissioners admitting three *Guns* to an Entry a Month after I had Seized them, 428 *l.* 2 *s.* 0 *d.* and my self 435 *l.* 12 *s.* 0 *d.* if the Commissioners or *Jews* do not make it good.

Third, *Whether the Commissioners are not both by the Law, and by their Places, obliged to Encourage and Assist their Inferiour Offices in the due Persecution of Forfeitures.*

I make this *Query*, because by the Commissioners not Encouraging or assisting me in the Prosecution of the Forfeiture of all the *Jews* Goods in this Ship; the King lost His Moyety, which was at least 2500 *l.* more, and so much I lost by it my self.

I expect that divers persons whose Hands this may come to, will blame me for being so Severe with my Masters; But I hope they will suspend that, when they are assured that I have already been a Prisoner almost 4 years, and on no other account, than for the Faithful Discharge of my Trusts: that the greatest time thereof is occasion'd by the Non-payment of the Money ordered me, and that it hath cost me about 800 *l.* besides, in discharging the Ship of her Lading, in Law Charges, and Expences; and conclude with me, that 'tis more Reasonable, as well as more Conscionable for them to make me some kind of Requital for my Zeal in His Majesties Service, than still to Persecute me for it.

And though these Proceedings look like an Act of the whole Board, yet I am perswaded that no particular Commissioner all along, except Mr. *Upton* and Sir *Nicholas Butler*, had, or hath any private dis-respect for me, but that what they have Ordered concerning me, hath flown from the Character one of them, or Mr. *Sanfon* hath given of me: And I believe also, that none except the aforesaid persons, and some others usually concerned with *Levi* the

*Jew*, in abusing the King in His Moyety of Seizures, do as much as know of my being taken from my Wayter at the *Fleet* and clapt into the *Compter*.

I am only to add, that the way to prevent the Destruction of our *Plantation Trade*, is for the Commissioners, and all other Officers concerned to put our wholesome Laws in Execution, and for all *English Merchants*, and Masters or Commanders of Ships, to make exact Entries or Reports; and then of necessity our *English Traders* thither will rise as fast as the *Jews*: On pressing this Truth in many Companies, I never met more than one Objection, and that was this.

Objection, *The Jews are a very Rich sort of People, their Trade is very great, they Employ many Ships, &c. And should that be cut off, abundance of People, both here and the Plantations, would soon feel the want of them. Moreover, the King would be much lessened in His Customs, by breaking off their Trade.*

*Answer*, A multitude of *English-men* have Money lying by them, which they would willingly Employ in Merchandizing, had they any Encouragement; and you may be assured that the Vending of our own Product and Manufacture, as well as the Consumption of Foreign Commodities would not be lessened one jot, if there were not one *Jew* in *England*: Nay, if the *English* found Encouragement, it might be expected their Expence would be according; and so a greater Consumption would follow, and consequently an dvance of His Majesties Customs.

And the *Plantations* will never want a Supply from *England* and from *English-men* if any Encouragement can be given to the Adventurers thither, which can never be as long as *Aliens* are able to Under-sell them both Out and Home; and the *Plantations* are Dam-nified as much as *England*; For the Growth and Product of the *Plantations* equally suffer by their Sale in *Europe*, as doth the Growth Product and Manufacture of *Europe* in the *Plantations*. And for His Majesties Customs they cannot be lessened, for the whole Product of the *Plantations* (except what they make use of themselves)

must

must be by Law brought into *England*, and Entred there : And besides, if the *English* did once arrive to this Encouragement, they would always supply the *Plantations*, with persons as well as Commodities, which would Increase the *Planters* there, and consequently the Bulk of their Product, the Imploy of Shipping, the Expence of *European & Asian* Commodities brought them from *England*, and *Negress* from *Africa* by the *English*, and the Revenues of His Majesty both in *England*, and in the *Plantations*.

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F I N I S.

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